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PATENT
ATTORNEY DOCKET: 46970-5271

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kenichiro TADA

Application No.: 10/568,387

Filed: February 15, 2006

For: INFORMATION RECORDING DEVICE,
INFORMATION RECORDING METHOD,
INFORMATION REPRODUCTION DEVICE,
INFORMATION REPRODUCTION METHOD,
INFORMATION RECORDING PROGRAM,
INFORMATION REPRODUCTION PROGRAM,
INFORMATION RECORDING MEDIUM, AND
RECORDING MEDIUM

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicant does not believe that a fee is due for filing this paper.

A Japanese Office Action dated September 24, 2008 that issued in a Japanese patent application and having documents cited therein is attached for the Examiner's consideration. The cited documents are listed on the attached PTO Form 1449 and copies of the cited non-U.S. patent documents are also attached hereto.

The relevance of the attached foreign language documents can be understood from the attached English-language abstracts, attached English-language translation, and/or from the citations of the documents in the attached Japanese Office Action dated September 24, 2008.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute “prior art.” If it should be determined that any of the listed documents do not constitute “prior art” under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should any of the documents be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.13(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP



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Dated: October 23, 2008

By:

Customer No. 055694

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